

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

CLEOPHUS D. JAMES,	)	
	)	
Movant,	)	
	)	
v.	)	No. 4:14-cv-00572-NKL
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

Movant Cleophus D. James for the second time requests relief from judgment under Fed. Rule Civ. P. 60(b). [Doc. 26.] The motion is denied.

James filed this case under 28 U.S.C. § 2255, requesting an order vacating, setting aside, or correcting his sentence. The Court dismissed the case, with prejudice [Doc. 8]; denied James’ Rule 59(e) motion for reconsideration [Doc. 17]; and denied James’ Rule 60(b) motion in which he reasserted arguments the Court had already rejected, [Doc. 24]. James now argues that Respondent United States of America failed to respond to his original Rule 60(b) motion and, as a result, the “material facts alleged by” James therein “are admitted by the United States and any contrary position or objection is...deemed waived.” [Doc. 26, p. 1]. James also “resubmits” the facts and arguments stated by him therein. [*Id.*]

As the Court explained in denying James’ original Rule 60(b) motion, the rule “authorizes relief in only the most exceptional cases.” *White v. Nat’l Football League*, 756 F.3d 585, 596 (8<sup>th</sup> Cir. 2014) (quotation and citations omitted). James’ case presents

no exceptional circumstances. Further, the United States in fact did file suggestions in opposition to his motion [Doc. 23].

Accordingly, James' second Rule 60(b) motion [Doc. 26] is denied.

s/ Nanette K. Laughrey  
NANETTE K. LAUGHREY  
United States District Judge

Dated: March 9, 2015  
Jefferson City, Missouri